

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

CRIM. CASE NO. 13-20764

Plaintiff,

v.

PAUL D. BORMAN  
UNITED STATES DISTRICT JUDGE

D-1 MARVIN NICHOLSON et al.,

Defendants.

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**ORDER NUNC PRO TUNC TO TUESDAY, MARCH 3, 2015, FINDING BY A  
PREPONDERANCE OF THE EVIDENCE THAT THERE WAS A CONSPIRACY,  
AND THAT THE STATEMENTS MADE BY CO-CONSPIRATORS WERE IN  
FURTHERANCE OF THE CONSPIRACY**

On July 1, 2014, this Court held (Dkt. #241), in response to Defendants' Motion for a Written Proffer and Hearing on Admissibility of Co-Conspirators' Statements under Fed. R. Evid. 801(d) (Dkt. #186), that it would admit the statements conditionally, and determine at the conclusion of the Government's case-in-chief, whether there was a conspiracy, and the statements were made in furtherance of the conspiracy.

Per *United States v. Vinson*, 606 F.2d 149, 152-53 (6<sup>th</sup> Cir. 1979) and *United States v. Holloway*, 740 F.2d 1373, 1375-76, n.2 (6<sup>th</sup> Cir. 1984), the Court finds admissible, by a preponderance of evidence, at the conclusion of the Government's case-in-chief, on March 3, 2015, statements of co-conspirators during and in furtherance of the conspiracy, offered pursuant to Fed. R. Evid. 801(d)(2)(E). The Court finds that there was a

conspiracy, and that the statements made by co-conspirators were in furtherance of the conspiracy.

SO ORDERED.

s/Paul D. Borman

PAUL D. BORMAN

UNITED STATES DISTRICT JUDGE

Dated: March 31, 2015

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on March 31, 2015.

s/Deborah Tofil

Case Manager